

Minutes
Bar Harbor Town Council
August 20, 2019

I. CALL TO ORDER – 7:00 P.M. - In attendance were Councilors: Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Joseph Minutolo, Judith Noonan, Erin Cough and Town Manager, Cornell Knight.

A. Excused Absence(s) – *all present.*

II. PUBLIC COMMENT PERIOD - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.* – None.

III. APPROVAL OF MINUTES – **August 6, 2019 Regular Meeting**
Mr. Hochman, with second by Ms. Noonan, moved to approve the minutes of the August 6, 2019 Regular Meeting as presented. Motion passed 7-0.

IV. ADOPTION OF AGENDA – Mr. Hochman, with second by Ms. Noonan, moved to adopt the agenda as presented. Motion passed 7-0.

V. CONSENT AGENDA - *A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*

A. 2019 Shore Up Maine Grant – *Possible motion to work with FB Environmental to apply, on behalf of Bar Harbor, to Island Institute for a Shore Up Maine Grant in an amount not to exceed \$10,000 where no cash match is required and to hire FB Environmental if funded.*

B. Vehicles for Hire – *Police Department approved and proof of insurance provided. Possible motion to approve MDI Tours request for 1 additional taxi license as submitted by Matt Valarik.*

Mr. Hochman, with second by Ms. Noonan, moved to approve the Consent Agenda as published. Motion passed 7-0.

VI. PUBLIC HEARINGS

A. Land Use Ordinance Amendments - *Public comment and possible motion to sign the orders placing the following LUO amendments on the November 5, 2019 special town meeting warrant:*

1. **Vacation Rental.** Diane Vreeland spoke. Mr. Hochman, with second by Ms. Noonan, moved to sign the order placing the Vacation Rental LUO amendment on the November 5, 2019 special town meeting warrant. Motion passed 7-0.

Order
of the Bar Harbor Town Council
For the November 5, 2019, Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

LAND USE ORDINANCE AMENDMENT: Vacation Rental – Shall an amendment dated May 1, 2019 and entitled “An amendment to the definition of Vacation Rental” be enacted?

Vacation Rental

An amendment to the definition of Vacation Rental

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions

VACATION RENTAL

The use of a dwelling unit or portion thereof for rent to a family for a period of less than 30 days and a minimum of five days. Time-share property, as most recently defined in 33 M.R.S.A. §591, is also included in this definition.

EXPLANATION:

The addition of the words “or portion thereof” to the definition of Vacation Rental would allow a portion of a dwelling to be used for Vacation Rental.

2. **Site Plan Review Procedure.** There being no public comment, Mr. Hochman, with second by Ms. Noonan, moved to sign the order placing the Site Plan Review Procedure LUO amendment on the November 5, 2019 special town meeting warrant. Motion passed 7-0.

Order

of the Bar Harbor Town Council
For the November 5, 2019 Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

LAND USE ORDINANCE AMENDMENT: Shall an ordinance dated May 22, 2019 and entitled “An amendment to site plan review procedure” be enacted?

An amendment to Site Plan Review Procedure

An amendment to Article V

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE V Site Plan Review

§125-61 Review procedure.

A. Preapplication meeting.

(1) Major site plans. ~~At least seven business days p~~Prior to submitting a formal application for site plan review to the Planning Board, an applicant shall meet with the Planning Department for the purpose of reviewing such application. Following said meeting the applicant may either revise the application in accordance with any recommendations of the Planning Department and thereafter repeat this step or may request the application be submitted to the Planning Board at its next regularly scheduled meeting, occurring at least 15 business days after the meeting with the Planning Department.

D. Mailed notice of receipt of application.

(1) Time of mailing. At least 10 days prior to the date of the initial completeness review ~~Within three business days of issuing a receipt-~~ pursuant to the previous section, written notice of the receipt of an application and the date of the initial completeness review shall be mailed by first-class mail to the owners of all property within 300 feet of the outer boundary of the property in question and, if the proposed development is within 500 feet of a Town line, to the Town Clerk and Chairperson of the Planning Board of the adjacent Town. The owners of property shall be considered to be those shown on the Town's tax list as the persons against whom taxes are assessed. The Planning Board shall, in each case, maintain a list of property owners so notified. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records. Failure of any property owner to be sent or actually to receive notice shall not necessitate another hearing or invalidate any actions of the Planning Board taken in good faith.

E. Completeness review for major site plan.

(1) Generally. Upon receipt of an application, the Planning Board shall conduct an initial review for the sole purposes of determining whether the application is complete and establishing the initial amount of any technical assistance fee to be assessed pursuant to § 125-65D. If the application is deemed complete, it shall be deemed pending, and the Planning Board shall set the matter for a public hearing to take place within 45 days of the initial review. ~~If the application is deemed incomplete, the Planning Board shall, within 10 days, notify the applicant, in writing, of the specific additional material needed to complete the application. Upon the applicant's submission of such additional material, all parties shall be given at least seven days to review the additional submissions before the Planning Board again reviews the application to determine completeness.~~

EXPLANATION:

This amendment is to streamline the processing of applications.

VII. REGULAR BUSINESS:

- A. Conservation Commission** – *Update by member Michael Handwerk.* – Michael Handwerk, Conservation Commission Vice-Chair, presented the work of the commission regarding revisions to the Open Space Plan and provided a handout on the goals and strategies. Mr. Hochman, with second by Ms. Noonan, moved to accept the report and thank Mr. Handwerk, and commission members, for their work on the Conservation Commission, and place the report on file. Motion passed 7-0.
- B. Permit and Paid Parking Policy** – *possible motion to amend.* Town Manager Cornell Knight spoke to the need to change the permitting for the Hospital. The Parking Solutions Task Force, which met earlier this evening, approves the recommended changes. Mr. Hochman, with second by Ms. Noonan, moved to approve the amendment to the Permit and Paid Parking Policy as presented. Motion passed 7-0.
- C. Resolution** – *recognizing Chip Reeves, Public Works Director.* Chair Dobbs read the Resolution. Mr. Hochman, with second by Ms. Noonan, moved to sign the Resolution recognizing Public Works Director Chip Reeves as presented. Motion passed 7-0.

**Resolution of the
Bar Harbor Town Council**

WHEREAS, Public Works Director Charles “Chip” Reeves is to be congratulated after twenty three years of employment with the Town of Bar Harbor; and

WHEREAS, Chip is known for his strong leadership, confident manner, positive and fair approach to employees, and earning the respect of his fellow staff and citizens; and

WHEREAS, Chip was involved with many of the major construction projects completed in town over the past 2 decades, including the reconstruction of Rt3, the redesign and upgrade of the sewer treatment facilities, the purchase and running of the Bar Harbor Water Company in 2001, the reconstruction of Agamont Park and Seawall, the Duckbrook Water Treatment Plant, the new public works garage and office facility, the new Transfer Station, the negotiation to send msw and recyclables to Fiberright, and

WHEREAS, Chip has also done many miles of road repair, sidewalk repair and kept the roads clear in the wintertime; and

WHEREAS Chip has arranged the purchase of many pieces of heavy equipment and made sure that equipment was well maintained for the life of that piece; and

WHEREAS, Chip will truly be missed by all; and now therefore,

BE IT RESOLVED, that the Honorable members of the Bar Harbor Town Council do hereby recognize and express their appreciation to Chip Reeves for his 23 years of service to his community, friends, neighbors and the Town of Bar Harbor; and it be further

RESOLVED, that the members of the Bar Harbor Town Council wish to extend their best wishes to Chip Reeves for much success and enjoyment at his new job.

- D. Housing** – *request of Councilor Friedmann to look at a comprehensive approach over the next 12 months.* Mr. Friedmann presented his recommendations. Discussion followed. Mr. Coston, with second by Mr. Friedmann, moved that Council works on items 2 to 6 as outlined by Councilor Friedmann in his memo dated August 4, 2019 and the general housing situation in Bar Harbor over the next 12 months and ask the Town Manager to schedule a workshop with Council and staff to work to this end. Motion passed 4-3 (Nay: Mr. Hochman, Ms. Noonan, Ms. Cough). Council then scheduled a workshop for Monday, September 16 at 6:00pm.
- E. Council Seat Vacancy** – *discussion of the process to find a replacement.* Town Manager Knight was asked, and the town attorney responded, that Council can appoint someone from the Charter Commission, whether elected or appointed. Council agreed on the process of having conversations with candidates willing to serve and bringing the names back for discussion in Executive Session. No action taken.
- F. Treasurer’s Warrant** - *Request of Treasurer to authorize paid bills.* – Mr. Hochman, with second by Mr. Coston, moved to sign the Treasurer’s Warrants for paid bills. Motion passed 7-0.

VIII. TOWN MANAGER’S COMMENTS – Mr. Knight welcomed Steve Fuller, Assistant Planner, who started yesterday. He passed out the parking revenue report. As of today parking revenues are about \$973,000. If you add in citations and permit fees, it is over \$1 million now. The original projection for FY20 was \$540,000 as a conservative estimate. The Parking Solutions Task Force continues to meet every month. They will meet next month and then again in late November to have a wrap up review of the program and think about next year and recommended changes.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Cough thanked Chip for all his years of service.

Ms. Noonan welcomed Steve and stated we will miss Chip greatly. She wants to make sure we still have on the radar screen a joint meeting between Council and the Warrant Committee to see if we can all play nice.

Mr. Minutolo congratulated Chip and welcomed Steve.

Mr. Hochman thanked Chip. He also mentioned the passing of Jack Perkins who was a big part of this town for a very long time; he will be greatly missed.

Mr. Coston also thanked Chip and welcomed Steve.

Mr. Friedmann acknowledged Cornell’s response to Mr. McHargue of Grapevine, TX. It was the best email response ever. Cornell took the time to research where Grapevine gets its revenue and they get a significant amount from sales tax. He congratulated Cornell for his time and thoughtfulness in a great and measured response that ended with a positive note about coming back to Bar Harbor.

Mr. Dobbs echoed Councilor Friedmann. He welcomed Steve and thanked Councilor Hochman for recognizing Jack Perkins. The next meeting will be with Superintendent Kevin Schneider, so be prepared to ask questions. He also stated that he, Cornell, Stephen

and Eben had a successful meeting with CLIA and we are heading in the right direction with cruise ships.

X. EXECUTIVE SESSION: (none)

XI. ADJOURNMENT – Mr. Hochman, with second by Ms. Noonan, moved to adjourn at 8:15 pm. Motion passed 7-0.

Sharon M Linscott, Town Clerk